

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARIANITA VICTORIA SAENZ,

Plaintiff,

v.

No. 1:15-CV-01034-LF

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

ORDER GRANTING MOTION TO SEAL

THIS MATTER comes before the Court on defendant Carolyn W. Colvin's Motion to Seal the Administrative Record in this case (Doc. 16). Plaintiff Marianita Victoria Saenz opposes the motion (Doc. 22), and asks instead that the Court "enter an Order prohibiting access by non-parties to the record at the courthouse." Doc. 22 at 4–5. In short, both parties ask that the administrative record be accessible only to the parties. The Court therefore will grant the motion to seal.

Under Federal Rule of Civil Procedure 5.2(c), only the parties and their attorneys have remote electronic access to the administrative record in a social security appeal. The administrative record in a social security appeal also is exempt from the redaction requirements of Federal Rule of Civil Procedure 5.2(a). *See* Fed. R. Civ. P. 5.2(b)(2). The Committee Notes to the 2007 adoption of Rule 5.2 state that social security appeals are "entitled to special treatment due to the prevalence of sensitive information and the volume of filings" in these cases. But unless the Court seals the administrative record or orders redaction of all private information contained in the administrative record, nonparties may obtain that private

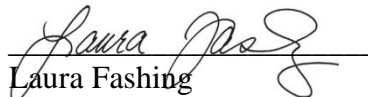
information by accessing the case file at the courthouse. *See* Fed. R. Civ. P. 5.2(c)(2); Advisory Committee Notes, 2007 Adoption.

In her opposition to the motion to seal, Ms. Saenz does not contest the defendant's representation that the "administrative record is voluminous and contains sensitive personal and health related information throughout the record." Doc. 16 at 1. Indeed, presumably that sensitive personal and health related information pertains to Ms. Saenz, and it is in her best interest to keep this information confidential. Further, Ms. Saenz has not cited a single case in which an appellate court found that a district court abused its discretion in sealing the administrative record in a social security case, nor could I find such a case.

THE COURT THEREFORE FINDS that the administrative record in this case contains sensitive personal and health related information pertaining to Ms. Saenz throughout the record. This information should be kept confidential, but redacting the information from the record would be burdensome. Further, redacting all sensitive personal and health-related information from the administrative record would obscure so much of the record that it would be of little value to the public or the litigants.

IT IS THEREFORE ORDERED that defendant's Motion to Seal the Administrative Record (Doc. 16) is GRANTED. The Administrative Record will be sealed until further order of the Court.

IT IS FURTHER ORDERED that plaintiff's Motion to set Aside the Order Granting Motion to Seal (Doc. 20) is DENIED.


Laura Fashing
United States Magistrate Judge